

CHAPTER 126

HUMAN SERVICES - SOCIAL SERVICES

HOUSE BILL 02-1042

BY REPRESENTATIVE(S) Stafford, Boyd, Clapp, Romanoff, Alexander, Chavez, Coleman, Daniel, Groff, Hodge, Mace, Marshall, Plant, Ragsdale, Sanchez, Tochtrop, Weddig, and Williams S.; also SENATOR(S) Linkhart, Hernandez, and Tupa.

AN ACT

CONCERNING EXTENSIONS UNDER THE COLORADO WORKS PROGRAM FOR PERSONS WHO HAVE REACHED THE SIXTY-MONTH LIFETIME LIMIT FOR RECEIPT OF TANF ASSISTANCE.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 26-2-716 (5), Colorado Revised Statutes, is amended to read:

26-2-716. County duties - appropriations - penalties - hardship extensions - domestic violence extensions - incentives. (5) (a) ~~A county may apply for~~ COUNTY DEPARTMENTS ARE AUTHORIZED TO ADMINISTER hardship AND DOMESTIC VIOLENCE ~~exemptions~~ EXTENSIONS for needy families that have exceeded the sixty-month lifetime limit for receipt of assistance set forth in the federal law. Approval OR DENIAL of ~~such hardship exemptions~~ EXTENSIONS OR DOMESTIC VIOLENCE EXTENSIONS shall be granted DETERMINED by the ~~state department~~ COUNTY DEPARTMENTS pursuant to fair and objective criteria as established by the state board. **HARDSHIP CRITERIA SHALL BE ESTABLISHED BY STATE BOARD RULES AND APPLIED TO ALL PARTICIPANTS SEEKING EXTENSIONS. ADDITIONAL REASONS FOR GRANTING HARDSHIP EXTENSIONS MAY BE DEFINED BY THE COUNTY DEPARTMENTS AND INCLUDED IN THEIR WRITTEN COUNTY PLAN. HARDSHIP OR DOMESTIC VIOLENCE EXTENSIONS MAY NOT BE GRANTED FOR A DURATION LONGER THAN SIX MONTHS.**

(b) ALL PARTICIPANTS SHALL HAVE THE OPPORTUNITY TO REQUEST EXTENSIONS IN THEIR COUNTIES OF RESIDENCE. A PARTICIPANT WHO HAS BEEN GRANTED AN INITIAL EXTENSION MAY REQUEST ADDITIONAL EXTENSIONS PRIOR TO THE END OF THE CURRENT EXTENSION PERIOD. IF A PARTICIPANT FAILS TO REQUEST AN EXTENSION ON A TIMELY BASIS, AN EXTENSION MAY BE GRANTED IF THE PARTICIPANT DEMONSTRATES GOOD CAUSE. WHETHER GOOD CAUSE HAS BEEN ESTABLISHED SHALL BE DETERMINED AT THE SOLE DISCRETION OF THE COUNTY DEPARTMENT AND SHALL

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

NOT BE APPEALABLE.

(c) THE STATE DEPARTMENT SHALL SEND NOTICE TO PARTICIPANTS APPROACHING THE SIXTY-MONTH LIMIT ON LIFETIME RECEIPT OF ASSISTANCE PURSUANT TO SUBSECTION (2) OF THIS SECTION. THE COUNTY DEPARTMENTS SHALL MAKE ALL REASONABLE EFFORTS TO CONTACT A PARTICIPANT BY PHONE OR IN PERSON TO EXPLAIN THE EXTENSION PROCESS AND TO ACCEPT A REQUEST FOR AN EXTENSION. PARTICIPANTS MAY ALSO MAKE SUCH REQUESTS IN WRITING.

(d) A PERSON WHO IS GRANTED A HARDSHIP EXTENSION OR A DOMESTIC VIOLENCE EXTENSION SHALL BE REQUIRED TO COMPLETE AN INDIVIDUAL RESPONSIBILITY CONTRACT AND SHALL BE REQUIRED TO FOLLOW ALL THE TERMS AND CONDITIONS OF THE IRC, INCLUDING THE PARTICIPATION ACTIVITIES REQUIRED OF THE PARTICIPANT AS A CONDITION OF THE EXTENSION, AS OUTLINED IN THE IRC.

(e) SANCTIONS AND TERMINATIONS PURSUANT TO SECTION 26-2-711 SHALL APPLY DURING THE PERIOD OF AN EXTENSION GRANTED PURSUANT TO THIS SECTION. PARTICIPANTS MAY APPEAL ADVERSE ACTIONS CONSISTENT WITH SECTIONS 26-2-127 AND 26-2-710.

(f) THE COUNTY DEPARTMENT SHALL HAVE THIRTY DAYS AFTER THE RECEIPT OF A REQUEST FOR AN EXTENSION TO MAKE A DECISION WHETHER TO GRANT OR DENY THE EXTENSION. WHEN GRANTING THE EXTENSION THE COUNTY DEPARTMENT SHALL SEND NOTICE OF SUCH EXTENSION TO PARTICIPANTS. THE COUNTY DEPARTMENT SHALL SEND A DENIAL NOTICE TO A PARTICIPANT WHO APPLIES FOR BUT IS DENIED A HARDSHIP EXTENSION DUE TO LACK OF AVAILABLE EXTENSIONS OR FOR ANY OTHER REASON, WHICH REASON SHALL BE INCLUDED. THE COUNTY DEPARTMENT SHALL SEND A DENIAL NOTICE TO A PARTICIPANT WHO APPLIES FOR BUT IS DENIED A DOMESTIC VIOLENCE EXTENSION, WHICH SHALL INCLUDE THE REASON FOR THE DENIAL. THE NUMBER OF DOMESTIC VIOLENCE EXTENSIONS THAT CAN BE GRANTED SHALL NOT BE RESTRICTED BY THE TWENTY-PERCENT NUMERICAL LIMIT ON HARDSHIP EXTENSIONS, PURSUANT TO FEDERAL LAW.

(g) THE STATE BOARD SHALL PROMULGATE RULES ESTABLISHING THE CRITERIA FOR HARDSHIP EXTENSIONS AND FOR ESTABLISHING A SYSTEM FOR ALLOCATING THE NUMBER OF EXTENSIONS AVAILABLE FOR EACH COUNTY.

(h) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT A FORMER PARTICIPANT FROM REQUESTING A HARDSHIP OR DOMESTIC VIOLENCE EXTENSION, AFTER THE LAPSE OF THE SIXTY-MONTH LIFETIME LIMIT, WHEN NEW HARDSHIP OR DOMESTIC VIOLENCE FACTORS OCCUR, TO THE EXTENT PERMISSIBLE UNDER STATE AND FEDERAL LAW.

(i) THIS SUBSECTION (5) SHALL ONLY APPLY TO PARTICIPATION IN THE COLORADO WORKS PROGRAM, AS CONTAINED IN THIS PART 7.

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 25, 2002